

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARK ROBINSON,

Plaintiff,

v.

PATRICIA CARUSO, DION MIDDLEBROOK,
GREGORY CASEY, ALEX GLOVER,
S. GREGUREK, SHERRY BURTS, STATE OF
MICHIGAN,

Defendants.

Case Number 06-11922-BC
Hon. David M. Lawson
Magistrate Judge Charles E. Binder

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DISMISSING CASE WITHOUT PREJUDICE**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on July 20, 2006 pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1, recommending that the plaintiff's complaint be *sua sponte* dismissed for failure to exhaust administrative remedies. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, the plaintiff did not file any objections. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 9] is **ADOPTED**, and the complaint is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 14, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 14, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS